IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17560 of 2004

Between:

1 Ch.Ramanaiah, S/o Changaiah,
R/o Chilamutur Village, Naidupet Mandal, Nellore District
2 V.Venkatamuni, S/o Chinamunaiah,
R/o Chilamutur Village, Naidupet Mandal, Nellore District
3 Kattiboina Ramaiah, S/o Veeraswany,
R/o Chilamutur Village, Naidupet Mandal, Nellore District
4 Chiteti Ramanaiah, S/o Venkateswarlu,
R/o Chilamutur Village, Naidupet Mandal, Nellore District
5 K.Chandraiah, S/o Ramanaiah,
R/o Chilamutur Village, Naidupet Mandal, Nellore District

..... PETITIONER(S)

AND

1 The District Collector, Nellore, Nellore District
2 The Revenue Divisional Officer, Gudur, Nellore District
3 The Mandal Revenue Officer, Naidupet Mandal, Nellore District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondents in granting patta of Donka Poramboka covered by S.No.17 of Chilamutur village, Naidupet Mandal as illegal, arbitrary and without jurisdiction and consequently direct the respondents not to change the classification of the land covered by S.No.17 from Donka Poramboku to anadeenam waste land and not to allot the land covered by S.No.17 of Chilamutur Village, Naidupet mandal to third parties and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order at the stage of admission:

ORDER:

Heard the learned counsel on either side and with their consent the writ petition is disposed of at the stage of admission.

The petitioners, who are agriculturists, have been using the Donka land in Sy.No.17 as rasta to go to their fields and allege that the rasta is now sought to be assigned to the third parties. If the said land is alienated, the petitioners will be left without any rasta to enter their lands and in view of the same they have filed the present writ petition complaining that the action of the respondents in allotting the Donka land to the third parties is not legal.

Since the revenue officials have not yet made any allotment of the said lands in favour of the 3rd parties, the question of entertaining this writ petition does not arise as it is premature.

The writ petition is disposed of giving liberty to the petitioners to approach the Collector by bringing to his notice that such land, which

was set apart for common use, cannot be assigned to the third parties and it is for the Collector to consider the same. If any orders adverse to the petitioners are passed, the petitioners are at liberty to approach the appropriate forum for redressal. No costs.

30.9.2004

cvm

To,

1 The District Collector, Nellore, Nellore District
2 The Revenue Divisional Officer, Gudur, Nellore District
3 The Mandal Revenue Officer, Naidupet Mandal, Nellore District

4. 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5. 2 CD copies.